

IN THE UNITED STATES DISTRICT COURT

FOR THE DISTRICT OF HAWAII

HAWAII CARPENTERS TRUST)	CIVIL NO. CV 16-00670-DKW-KSC
FUNDS, <i>Health & Welfare Fund by</i>)	
<i>its trustees</i> Henry Iida, Russell)	DECLARATION OF PAUL MARX
Young, Audrey Hidano, Glen)	
Kaneshige, Eric Hashizume, George)	
Ehara, Ronald Taketa, Kyle Chock,)	
Shayne Chung, Conrad C. Verdugo,)	
Jr., Ralph Hoohuli, and Travis)	
Murakami; <i>Apprenticeship &</i>)	
<i>Training Fund by its trustees</i> Claude)	
Matsumoto, Thomas Toma, Conrad)	
Murashige, Dale Sakamoto-Yoneda,)	
Roy Morioka, Vince Nihipali, Sheri)	
Mau, Mike Goodnight, Kyle Chock,)	
Ronald Taketa, Mitchell Tynanes,)	
Sean Newcamp, Ralph Hoohuli and)	
Travis Murakami; <i>Vacation &</i>)	
<i>Holiday Fund by its trustees</i> Gerard)	
Sakamoto, James Watanabe, Paul)	
Silen, Paul Sasaki, Jay Kadowaki,)	
Sharon Thom, Roy Morioka, Kyle)	
Chock, Sean Newcamp, Mitchell)	
Tynanes, Ralph Hoohuli, and Travis)	
Murakami; <i>Market Recovery Program</i>)	
<i>by its trustees</i> Thalia Choy, Alan)	
Shintani, Justin Izumi, Ken)	
Kawamoto, Gerard Sakamoto, Bill)	
Wilson, Lance Wilhelm, Leonard)	
Hoshijo, Justin Kochi, Garrett Takara,)	
Sean Newcamp, Kyle Chock, David)	
Samson and Mitchell Tynanes;)	
<i>Financial Security Fund by its</i>)	
<i>trustees</i> Kenneth Spence, Conrad)	
Murashige, Kenneth Sakurai, Wesley)	
Mikuni, Alan Shintani, Kyle Chock,)	
Ronald Taketa, Shayne Chung, Sean)	

Newcamp, Garrett Takara, Ralph)
Hoohuli, Clyde Sugawa, Joyce)
Furukawa, and Travis Murakami;)
<i>Drywall Training Fund by its trustees</i>)
Vince Nihipali, Sr., Lito Alcantra,)
Bert Beaman, Mike Goodnight, Kevin)
Respecki, Sean Newcamp, Garrett)
Takara, Edmund Aczon, David)
Samson and Ivan Lay; <i>401-K Fund by</i>)
<i>its trustees</i> Kenneth Spence, Conrad)
Murashige, Kenneth Sakurai, Wesley)
Mikuni, Alan Shintani, Kyle Chock,)
Ronald Taketa, Shayne Chung, Sean)
Newcamp, Ralph Hoohuli, Clyde)
Sugawa, Joyce Furukawa, and Travis)
Murakami,)
)
Plaintiffs,)
)
vs.)
)
VISIONARY GENERAL)
CONTRACTING, LLC, JOHN)
DOES 1-100; JANE DOES 1-100;)
DOE CORPORATIONS 1-100; DOE)
PARTNERSHIPS 1-100; DOE)
ENTITIES 1-100; DOE)
GOVERNMENTAL UNITS 1-100,)
)
Defendants.)
)
)

DECLARATION OF PAUL MARX

1. I am the Chief Executive Officer of Hawaii Benefit

Administrators, Inc., the administrator for Plaintiff the Hawaii Carpenters Trust

Funds. I have personal knowledge of the foregoing, and if required, could and would competently testify thereto.

2. Visionary General Contracting, LLC is a signatory to the Collective Bargaining Agreement (“CBA”) with the Hawaii Regional Council of Carpenters. Pursuant to the CBA, each month Visionary General Contracting, LLC is required to submit to the Hawaii Carpenters Trust Funds office a report detailing the number of hours each of its employees worked on a union jobsite for the previous calendar month. The report details the hourly benefit rate for each of the trust funds for each employee, based on the employee’s classification, and calculates the amount of contributions owed under the CBA based on the classification of the employee and the number of hours worked. The employer is required to submit the reported hours and calculated contributions to the trust funds no later than the twenty fifth day of the month following the work performed in the prior calendar month. Despite repeated requests, Visionary General Contracting, LLC has not provided any of the required monthly reports from June 2016 to the present.

3. Pursuant to the CBA, Visionary General Contracting, LLC is required to submit to the Hawaii Carpenters Trust Funds office business records to allow the Hawaii Carpenters Trust Funds to conduct an audit to confirm all amounts owed to the Hawaii Carpenters Trust Funds under the CBA. Despite

repeated requests, Visionary General Contracting, LLC has not provided all of the requested information.

4. Visionary General Contracting, LLC recently provided the Hawaii Carpenters Trust Funds Defendant's self-reported hours contained in Employers Monthly Report To Trustees for June 2016 through January 2017, but did not provide any of the requested audit information. From these reports Plaintiffs were able to determine that Defendant Visionary General Contracting, LLC owes the following amounts subject to audit:

Visionary IU Account

Contributions	\$48,907.97
Liquidated Damages	\$10,096.73
12% Fund Interest	\$2,046.29
401k Lost Earnings Interest	\$59.93
<u>Audit Fees</u>	<u>\$320.00</u>
Total	\$61,430.92


Visionary IUCBD Account

Contributions	\$33,744.28
Liquidated Damages	\$19,176.83
12% Fund Interest	\$620.48
<u>401k Lost Earnings Interest</u>	<u>\$32.87</u>
Total	\$53,574.46

Grand Total: \$115,005.38

I declare under the penalty of perjury that the foregoing is true and correct.

Executed this 6th day of March, 2017, at Honolulu, Hawaii.


PAUL MARX